

FILED IN THE SUPREME COURT OF FLORIDA  
THOMAS D. HALL  
INQUIRY CONCERNING  
A JUDGE, NO. 02-4838

Supreme Court Case  
No.: SC03-1171

CLERK, SUPREME COURT  
BY \_\_\_\_\_  
**RESPONDENT'S, THE HONORABLE GREGORY P. HOLDER,  
UNOPPOSED MOTION FOR ENLARGEMENT  
OF TIME TO SERVE INITIAL BRIEF DUE DECEMBER 28, 2005**

Respondent, the Honorable Gregory P. Holder ("Judge Holder"), by counsel, respectfully moves the Court for an enlargement of time in which to serve his Initial Brief as directed by Order of this Court dated December 2, 2005. The grounds upon which this Motion is based are set forth below.

1. Judge Holder was the subject of an investigation by an Investigative Panel of the Judicial Qualifications Commission ("JQC"), which resulted in the filing of formal charges. A trial was conducted on the charges from June 6 to June 13, 2005 before the JQC Hearing Panel.

2. On June 23, 2005, the JQC Hearing Panel entered an Order unanimously dismissing the charges against Judge Holder.

3. As a result, on July 28, 2005, Judge Holder filed Respondent's Motion for Award of Attorneys' Fees. Subsequently, on August 18, 2005, after receiving a reply from the JQC, Judge Holder served a supporting memorandum of law and Request for Oral Argument.

4. On December 2, 2005, this Court entered an Order granting Judge Holder's Request for Oral Argument and directing that Judge Holder file an Initial

Brief on the merits on or before December 28, 2005. The Order specifically requests that the following issues be addressed:

- a) The specific basis and authority for an award of attorneys' fees in this case;
- b) Any prohibitions or limitations with regard to a monetary award in this case including, but not limited to, issues of sovereign immunity or otherwise; and
- c) The joinder of any additional parties, if any, necessary or proper for a full determination of issues presented.

5. David B. Weinstein and Kimberly S. Mello will be the attorneys primarily responsible for the preparation of the Initial Brief.

6. In addition to other significant responsibilities, David Weinstein is currently representing individuals in a federal criminal investigation in Baton Rouge, Louisiana. Prior to the issuance of the Court's Order, Mr. Weinstein committed to representing some of these individuals in interviews in Washington D.C., as well as government interviews and grand jury appearances in Baton Rouge, during the weeks commencing December 5 and 12, 2005. Furthermore, Ms. Mello currently has appeals and other pending matters that conflict with the preparation of the Initial Brief. Moreover, many of the staff that will be responsible for providing assistance with the preparation of the Initial Brief have pre-approved vacation time and attendant travel plans over the upcoming holidays. In addition, the current deadline falls during the Hanukah holiday, during which Mr. Weinstein

has significant family obligations.

7. Granting the requested enlargement of time will allow counsel for Judge Holder to have sufficient time to research and analyze the issues presented and prepare a thorough, well-reasoned Initial Brief for the Court's consideration. Given the commitments described above, counsel for Judge Holder respectfully request an enlargement of time up to and including February 3, 2006 in which to serve the Initial Brief.

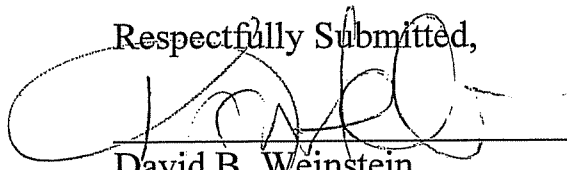
8. Pursuant to Florida Rule of Appellate Procedure 9.300, Kimberly S. Mello certifies that Judge Holder's counsel has conferred with Charles Pillans, Special Counsel for the JQC, regarding the requested enlargement of time. Mr. Pillans has represented that he does not object to the granting of the enlargement of time requested in this motion.

Wherefore, Respondent, the Honorable Gregory P. Holder, respectfully requests that the Court enter an Order granting the requested enlargement of time to serve the Initial Brief up to and including February 3, 2006.

Dated: December 12, 2005

*(Attorney signature appears on following page)*

Respectfully Submitted,



David B. Weinstein

Florida Bar Number 0604410

Kimberly S. Mello

Florida Bar Number 0002968

**Bales Weinstein**

Post Office Box 172179

Tampa, FL 33672-0179

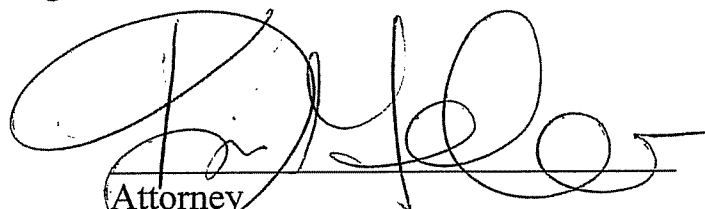
Telephone No.: (813) 224-9100

Telecopier No.: (813) 224-9109

Counsel for Judge Gregory P. Holder

CERTIFICATE OF SERVICE

I certify that on December 12, 2005, a copy of the Respondent's Unopposed Motion for Enlargement of Time to File Initial Brief has been served by regular U.S. Mail to: Ms. Brooke Kennerly, Hearing Panel Executive Director, 1110 Thomasville Road, Tallahassee, FL 32303; John Beranek, Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, FL 32302; Thomas C. MacDonald, Jr., JQC General Counsel, 1904 Holly Lane, Tampa, FL 33629; and Charles P. Pillans, III, Esq., JQC Special Counsel, Bedell, Ditmar DeVault, Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202. A courtesy copy has been provided by U.S. Mail to the Honorable John P. Kuder, Chairman of the Hearing Panel, Judicial Building, 190 Governmental Center, Pensacola, FL 32501.



Attorney